

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**FRANCISCO GARCIA**

**Plaintiff,**

**VS.**

**CITY OF SHERMAN, TEXAS**

**Defendant.**

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**CASE NO. 4:11CV144**


**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 19, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion for Summary Judgment (Dkt. 27) be DENIED and that this case proceed to trial.

The court has made a *de novo* review of the objections raised by Defendant as well as Plaintiff's response and Defendant's reply (*see* Dkts. 60, 61, 62 and 64) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court. Therefore, Defendant's Motion for Summary Judgment (Dkt. 27) is DENIED and this case shall proceed to trial.

**IT IS SO ORDERED.**

**SIGNED this the 1st day of February, 2013.**



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE